THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.19985 OF 1997

DATED: 13-02-2007

Between:

M. Krishna Murthy .. Petitioner

And

1. The Mandal Revenue Officer, Burgampad Mandal, Burgampad, Khammam District., and 2 others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.19985 OF 1997

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ORDER :

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This writ petition is filed seeking a declaration that the alleged action of the respondents in not issuing title deeds and pattedar pass books as per the provisions contemplated under the A.P. Rights in Land and Pattadar Pass Books Act, 1971 to the petitioner to an extent of Ac.1-00 situated in Sy.No.368 at Burgampad Village & Mandal, Khammam District as arbitrary and illegal.

In response to Rule Nisi ordered, the Mandal Revenue Officer, Burgampad Mandal filed a counter-affidavit stating that though the petitioner was assigned an extent of Ac.1-00 in Sy.No.368 vide proceedings dated 2-5-1974, on enquiry it was found that the petitioner was not in possession of the assigned land and as a matter of fact he settled in Bhadrachalam and working as Private Mechanic. Since the assigned land is not in his possession and personal cultivation, the petitioner is not entitled for grant of pass books and title deeds.

Though the said counter-affidavit was served on the petitioner's counsel long back in December, 2002, no reply affidavit is filed disputing the version of the respondents.

In view of what has been stated in the counter-affidavit which stood unrebutted, it is clear that the petitioner is not in possession of the land assigned to

him. Hence, the respondents cannot be found fault with in not granting the pattedar pass books and title deeds as sought by him.

The Writ Petition is without any substance and the same is accordingly dismissed. No costs.

G. ROHINI, J.

Dt. 13-02-2007
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